



Response to BAGI Concerns and questions asked at the Committee Hearing

BAGI Concern #1

“Some of the requirements (e.g. open space) add significant burden with both cost and site development options, especially for smaller parcels that are ripe for redevelopment. We would ask that parcels under 50 acres be exempt from open space requirements to help encourage redevelopment activities.”

Citation: Section 741-310

Chapter 741 Subdivision Regulations

Article III Design and Installation Standards

Section 10 Common areas, open space and public sites

(page 174 in footnoted version, page 151 in non-footnoted version)

Response.

BAGI was actively involved in the drafting of the Indy Rezone proposal. BAGI convened single-family developers focus group for the review & discussion of the 2014 Public Draft. The Subdivision standards in the 2014 draft were a substantial change and the developers had some concerns. The open space requirement in the 2014 draft was, in general, a 30% open space requirement with some elements counted 1.5 times. After sharing the reasoning behind the open space requirement, the developers suggested instead that the ordinance should simply state what was desired and, assuming it was reasonable, they would do it. Taking up the suggestion, a palette of open space choices was crafted for the group to review and comment upon. To our knowledge, all but one of the developers was satisfied.

Based upon platting activity in the last four years, it is likely that few, if any, plats would be over 50 acres.

Plat Size, 2011 to present	ACRES	LOTS	DU/acre
AVERAGE Size of Plat	11.31	27.8	5.1
AVG exc. Center Twp	14.44	34.2	2.6
MEDIAN Size of Plat	8.25	26	2.9
Min	0.10	1	0.3
Max	49.04	125	20

Today's draft of Indy Rezone requires

Each new subdivision with 20 or more dwelling units must provide each of the following:

- Multipurpose Path that is at least ¼ mile in continuous length with min. 10' wide easement and 5' wide path.
- Natural Landscaping Area that is min. 1 contiguous acre of preserved or planted natural area.
- Entrance Landscaping Area that is min. 150 sq. ft. per side of the entrance.

For every 30 dwelling units in a new subdivision, any one of the following must also be provided:

- Community Garden – minimum size of 2 acres in Metro Context Area, 2 lots in Compact Context Area
- Dog Park – Contiguous area equivalent in size to minimum size of two lots, but at least 1 acre
- Game Courts – Four regulation size courts for basketball, handball/racquetball, tennis, bocce ball, horseshoes, or volleyball
- Multipurpose Path – ½ mile in continuous length with min. 10' wide easement & 5' wide path
- Natural Landscaping Area – 2 contiguous acres of preserved or planted natural area
- Picnic/BBQ Area – 3 areas: min. 2,000 sq. ft. each; the areas may be contiguous

- Playground – Play area: min. 3,500 sq. ft.
- Plaza (Compact Context only) – 2 areas: min. 10,000 sq. ft. each; may be contiguous
- Sport Field (Metro Context only) – One regulation-sized field for any of these sports: soccer, softball, baseball, football
- Swimming Pool or Water Play – Water area: 3,500 sq. ft. minimum

Rationale for Open Space Requirement

Currently, Marion County residents are underserved by park land.¹ Since it is unlikely Indy Parks will be able to add new public park land or facilities, open space has been proposed to meet the additional need generated by the new subdivision.

The options give developers considerable flexibility in selecting type of amenity that is best suited to the targeted market.

Open space adds value to new neighborhoods without imposing design requirements on single family homes.

¹ In 2015, The Trust for Public Lands ranked Indianapolis 73rd with a ParkScore index of 32.0; two-thirds of our community is not served by a park. The ParkScore® index measures how well the 75 largest U.S. cities are meeting the need for parks.



Response to BAGI Concerns and questions asked at the Committee Hearing

BAGI Concern #2

“Cul de sac lengths – the existing standard is 650’; new standards would limit at 400’ or 20 units (max 550’ with special approval); we would like an “either/or” provision that would (limit) all 650’ or 30 units/lots.”

Citation: Section 741-303

Chapter 741 Subdivision Regulations

Article III Design and Installation Standards

Section 03 Streets and Connectivity

(page 170 in footnoted version, page 148 in non-footnoted version)

Response.

During the discussions with the single-family developers focus group convened by BAGI, block and cul-de-sac lengths were major topics. At the core is balancing the needs of public safety, walkability, and connectivity against the economic cost of installation & maintenance, as well as the amount of impervious surface which impacts drainage, costs & heat island affect. We reached agreement on block lengths.

Comparison of Block and Cul-de-sac Length Standards

	Today's Indy Rezone proposal	2014 Draft	Current
Block Length Maximum			
D-A, D-S, D-1, D-2, D-6, D-6II, D-7 districts	850' in Compact Context No limit in Metro Context	800'	No standard
D-3, D-4, D-5, D-5II, D-8, D-9, D-10 districts	550' in Compact Context 950' in Metro Context	500'	No standard
All MU and CBD districts	550'	500'	No standard
Any other district	1250'	1200'	No standard
Cul-de-sac Length Maximum			
In Metro Context Area	400' or 20 lots	300' or 20 lots	650'
In Compact Context Area	300' or 20 lots	300' or 20 lots	650'
With Committee approval that it's impractical to connect the street to another or provide a looped street	Up to 550'	Up to 400'	

Since there is only one way into the lots on cul-de-sac, lots become inaccessible if something blocks that street, and thus public safety is compromised. Lots at the end of the cul-de-sac are also difficult to serve (e.g. fire-fighting) because of limited frontage.² Due to public safety concerns, it would not be prudent to increase the maximum cul-de-sac length further than 400 feet (550 feet under special circumstances).

² International Fire Code (2012) policy guidance for hydrant distance to single-family residences is 200 feet on a dead-end or cul-de-sac with a spacing maximum of 400 feet.



Response to BAGI Concerns and questions asked at the Committee Hearing

BAGI Concern #3

"Concerns with incorporating elements of building code into a land use document

Pg. 475 – requires certain doorway sizes and vertical clearances. Local units may not mandate building code functions without approval from the Indiana State Fire Prevention and Building Safety Commission. Further, optional standards for "visitability" exist in current state law."

Citation: Section 743-302.A

Chapter 743 Uses & Use Standards

Article III Use-Specific Standards

Section 03 Residential Uses

(page 475 in footnoted version, page 406 in non-footnoted version)

Response.

This is the uses-specific standard for new constructed homes with an attached garage to provide one no-step entrance somewhere into the house and one 34" wide bathroom door instead of the frequently used narrower door.

If Indy Rezone's standards do indeed require state building commission approval, approval would be sought. However, when interacting with the State Building Commission, a local jurisdiction needs to have the issue brought forth and approved locally first (IC 22-13-2-5), therefore, to provide standing before the state, approval is needed.

The state's optional "visitability" standards by definition address 7 elements, which goes far beyond Indy Rezone's two standards. The State includes: Entrances to the dwelling, including paths from the dwelling to the street; room dimensions; width of exterior and interior doors; the width of interior hallways; grade of interior thresholds and hallways; height and location of environmental controls; reinforcement of bathroom walls sufficient to attach grab bars.

Rationale for Requirement

At the beginning of Indy Rezone project, one of the original survey questions in the basic presentation related to the "no-step" entrance and wider bathroom door. Over 60% of the responses favored this standard. Realizing that the concept is relatively "new," but definitely coming to the forefront, the requirement applies only to NEW construction and construction that includes an attached garage, because access through the garage is usually the easiest and most popular according to other jurisdictions. Several local organizations, affiliated with seniors, veterans, and the disability community, support these standards.

Ability to enter a home as a guest or family member is becoming a challenge for more and more people. Due to medical advances, people are living longer³ and people are surviving tragedies, such as car crashes and war-time injuries⁴. This more often means, whether temporarily or permanently⁵, that getting around happens differently (e.g. crutches, walker, wheelchair). Our housing stock currently doesn't accommodate easy access, which can lead to life-shortening isolation, premature & unnecessary relocation, very limited housing choices, and /or expensive alterations. While expensive, and frequently unattractive, alterations might be made to the person's home, that person will likely not be able to get into their most likely destination: a family member's home.

³ According to the US Census, 50% of the US population will be over the age of 55 in year 2030. Now 80% of the population lives past the age of 65.

⁴ A staggering 45% of the 1.6 million veterans from the wars in Iraq and Afghanistan are disabled, up from 21% of Gulf War vets (Pew Research Center, 2011).

⁵ National Council on Disabilities and the US Dept of Health & Human Services (National Clearinghouse for Long Term Care Information, 10/22/2008) has found that 70% of the population will eventually have a temporary or permanent disability that makes climbing stairs impossible.



Response to BAGI Concerns and questions asked at the Committee Hearing

BAGI Concern #4

“Concerns with incorporating elements of building code into a land use document...

Building height requirements – Building code allows for 60’ (wood over podium construction, such as Slate, Cosmopolitan, The Coil). Land use plans permitting such type of construction should align with this.”

Citations: Sections 744.201.B, D, E

Chapter 744 Development Standards

Article II Lot & Building Dimensions

Section 01 General Dimensional Standards

Table 744-201-2 (page 542 in footnoted version, page 461 in non-footnoted version)

Table 744-201-4 (page 549 in footnoted version, page 466 in non-footnoted version)

Table 744-201-5 (page 550 in footnoted version, page 467 in non-footnoted version)

Response.

Multifamily development is permitted in many districts and those districts are not all in the same context nor serve the same purpose. If multifamily development was a one-size-fits-all situation then only one district would be needed, but it is not. Development standards need to reflect that reality to fulfill the purpose and accommodate the context of that particular district.

Comparison of Maximum Building Height for Multifamily development, by district

District	About the District	Current	Indy Rezone proposal
D-6	Suburban setting (6-9 du/ac) next to single-family	35'	45' unless abutting a SFR, then 35'
D-6II	Suburban setting (9-12 du/ac) near single-family	35'	45' unless abutting a SFR, then 35'
D-7	Transition between suburban and urban settings	35'	56' unless abutting a SFR, then 40'
D-8	Urban setting of mixed development	35'	56' unless abutting a SFR, then 40'
D-9	High-rise MF in suburban setting	unlimited	unlimited
D-10	High-rise MF in urban setting	unlimited	unlimited
CBD-1	Around Monument Circle only	Sky Exposure plane only	Sky Exposure plane only
CBD-2	Mile Square only	Sky Exposure plane only	Sky Exposure plane only
CBD-3	Balance of downtown area	unlimited	unlimited
MU-1	Freestanding Mixed use Tower (was C-2)	unlimited	unlimited
MU-2	Mixed use along a corridor street (was C-3C)	35'	35'
MU-3	Mixed use village setting	n/a	50' or if 30% residential, up to 75'
MU-4	Mixed use village w/ rapid transit	n/a	50 or if 30% residential, up to 90'

Generally, the height of a multifamily building depends upon the number of floors at a given ceiling height, roof style, and the use of the ground floor (non-residential usually needs higher ceilings). Many quality multifamily developments feature 9+ft. ceilings and many have a pitched roof which fits in well with surrounding single-family development. With the present development standards, those quality

projects need a variance in order to do both. Therefore, from the onset of Indy Rezone, building height in the D-6 thru D-7 was known to need an adjustment.

Upon conferring with local builders, a 40' height was initially proposed in the 2014 Public Draft. However, with the assistance of BAGI, another multifamily focus group was gathered to work on the multifamily standards and they indicated that 40' was still too low. It was generally agreed that 11' per floor and 12' for a pitch roof should be accommodated which yields the current standards of 45' and 56' (3 and 4 floors with a pitched roof). To increase to 60' would allow 2 additional floors beyond what are currently allowed.

Multifamily Building Height, by roof style and 1st floor use (in feet)				
	<i>Pitched Res. Only</i>	<i>Pitched Retail</i>	<i>Flat Res. Only</i>	<i>Flat Retail</i>
Roof height	12'	12'		
Ground floor height	11'	18'	11'	18'
Overall building height for				
2 floors	34'	41'	22'	29'
3 floors	45'	52'	33'	40'
4 floors	56'	63'	44'	51'
5 floors	67'	74'	55'	62'
6 floors	78'	85'	66'	73'

Rationale for Requirement

The maximum height in the single-family zones, which often abut multifamily zones (D-6, D-6II, D-8) is 35 feet. Most homes are 1 or 2 floors with a height usually below 25 feet. Given the context of the D-6 and D-6II multifamily districts, which is near or next to single-family neighborhoods, this is viewed as too big of a departure.

The examples and type of development described is appropriately accommodated in several other districts, specifically D-9, D-10, MU-1, MU-3, MU-4, and all the CBD districts (which is where The Cosmopolitan and Slate are located). It should also be noted that at these heights and density, flat roofs are typically used (all 3 examples have flat roofs); therefore the height previously allocated for a pitched roof becomes a floor.



Response to BAGI Concerns and questions asked at the Committee Hearing

Question #1 asked at the Committee Hearing

“Explain a bit more about the Vacant Building provision. There are many houses that have been vacant for approaching a decade or more. It makes me nervous when I think about having the allowable uses to evolve based on the vacant status. Is it possible that all of a sudden for a house to be a corner market or something?”

Citation: Section 743-203

Chapter 743 Uses & Use-Specific Standards

Article II Use Table

Section 03 Permitted Where Vacant

(page 439 in footnoted version, page 387 in non-footnoted version)

Response.

The vacant building provision applies to specific zoning districts and a narrow set of uses. It purposefully does not apply to the dwelling districts. In other words, if a property is zoned one of the “D” districts, such as D-5 or D-8, there are NO other uses permitted if the building is vacant.

The only zoning districts that have a vacant provision are:

All Commercial Districts (C-1, C-3, C-4, C-5, C-7)

All Industrial Districts (I-1, I-2, I-3, I-4)

MU-1 district

CBD-1 district

In addition to the uses already permitted in the district, in these districts ONLY the additional use becomes permitted if the BUILDING has been vacant for at least 5 years.

District	Additional Uses
C-1, C-3, C-4	Dwelling unit Live/work unit Group Home
C-5	Dwelling unit Live/work unit Artisan Manufacturing Group Home Agricultural Uses, Buildings and Structures Other Research and Development Mini-Warehouses (Self-Storage Facility)
C-7	Artisan Manufacturing Agricultural Uses, Buildings and Structures Other Research and Development Warehousing, Wholesaling and Distribution
I-1, I-2	Offices: Business, Professional or Govt Artisan Food & Beverage Religious Uses Business, art, or other post-secondary proprietary school Museum, Library, or Art Gallery Laundromats Indoor Recreation & Entertainment Automobile and Light Vehicle Wash Other Vehicle Sales, Rental or Repair,
I-3, I-4	Offices: Business, Professional or Govt Museum, Library, or Art Gallery

District	Additional Uses
MU-1	Artisan Manufacturing
CBD-1	Business, art, or other post-secondary proprietary school

Further, the vacant building provision applies ONLY to vacant buildings, not vacant land, and the building must be reused.

The vacancy period of 5 years was ultimately selected by balancing the damaging effects of vacancy on the neighborhood and the building itself with the cyclical nature of the market and the potential of intentional vacancies.



Response to BAGI Concerns and questions asked at the Committee Hearing

Question #2 asked at the Committee Hearing

“Are there Parking changes for commercial districts downtown?”

Citation: Section 744-402

Chapter 744 Development Standards

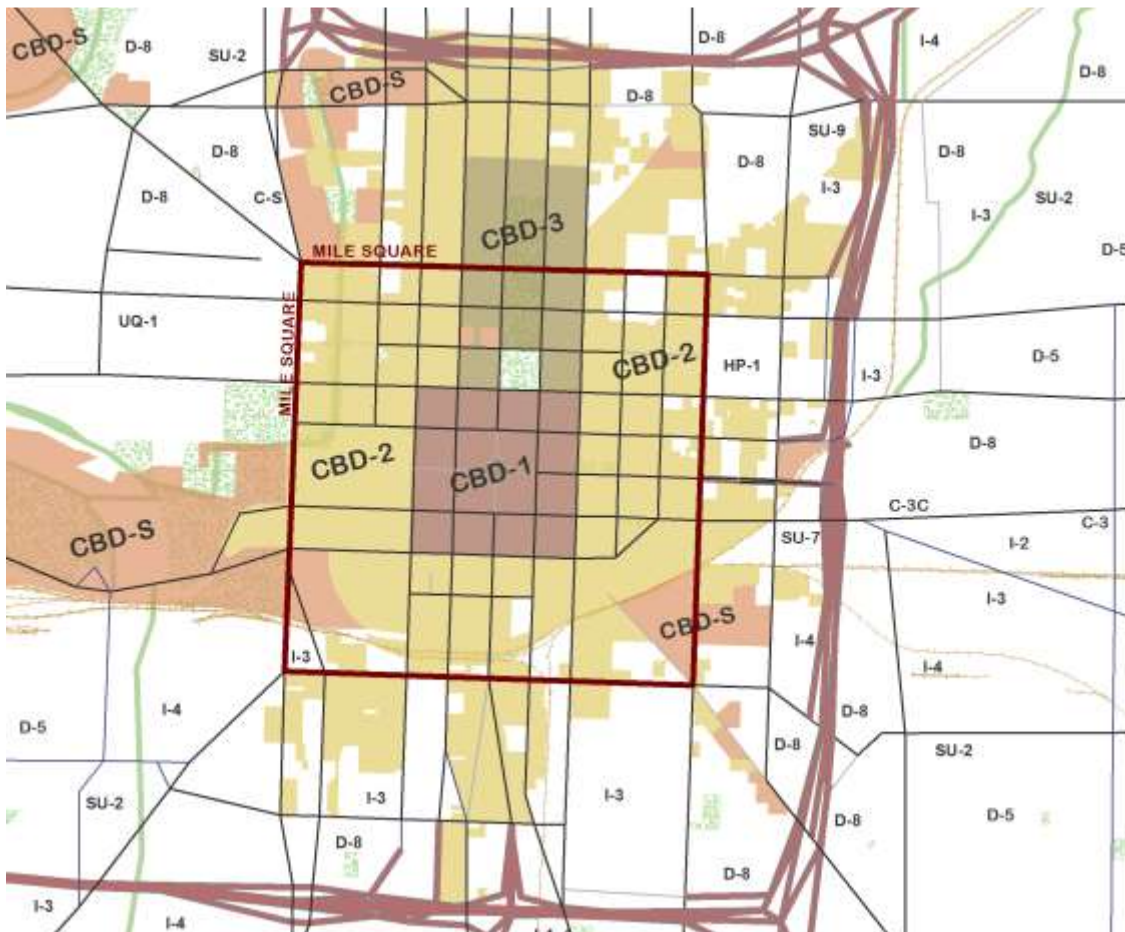
Article IV Parking, Loading and Drive-Through

Section 02 Required Parking Spaces

(page 579 in footnoted version, page 493 in non-footnoted version)

Response.

The “downtown” is largely zoned to one of the CBD districts (see map).



In the CBD districts, the parking is regulated by district, while in the other districts parking is regulated by use (or employment). This is the current practice and continues in Indy Rezone.

	Current	Today's Indy Rezone proposal
CBD-1 (Mile Square)	None required	None required
CBD-2	1 per 800 sf	1 per 900 sf
CBD-3	1 per 800 sf	1 per 900 sf

These district standards are listed immediately before Table 744-402-1: Required Parking Table. It is a section easily overlooked and in fact contains one of the amendments to which staff alluded.

- “1. No off-street vehicle parking is required in the Mile Square Area or MU-4 district.
2. No off-street vehicle parking is required for any parcel containing less than 5,000 sf of lot area, except for single-family attached dwellings or single-family detached dwellings.
3. Minimum vehicle parking required in the CBD-2 and MU-3 districts is 1 space per 900 sf of floor area regardless of the type of land use.
4. No space used for a required parking space may be used for a required loading or stacking space. “

Number 3 should also include “CBD-3” in the list of districts; it was erroneously skipped because the reference in the body of the district was to match the CBD-2 instead of a numerical representation.

In the other districts, the amount of required parking is determined by the use as listed in the Required Parking Table. The minimum amount of parking required by a use is typically expressed as a ratio (e.g. one parking space per square footage or number of seats). By and large, the minimum amount of parking required has been reduced; the footnotes indicate the previous ratio. Additional parking can be provided up to any maximum amount is indicated in the Table. Not all uses have a maximum amount, plus the maximum can be exceeded by 10% if pervious paving is used.

Several options are available to reduce the minimum amount of parking required by providing facilities that encourage alternative transportation modes or share parking:

1. Electric vehicle charging stations
2. Shared vehicle, carpool or van pool spaces
3. Bicycle spaces above the requirement
4. Proximity to public transportation



MCANA Concern

Secondary Dwelling Units should not be allowed.

Citation: Section 743-200

Chapter 743 Uses & Use-Specific Standards

Article II Use Table

Table 743-1: USE TABLE

(page 468 in footnoted version, page 401 in non-footnoted version)

Citation: Section 743-306.EE

Chapter 743 Uses & Use-Specific Standards

Article III Use-Specific Standards

Section 06 Accessory and Temporary Uses

(page 532 in footnoted version, page 453 in non-footnoted version)

Response.

The housing needs of Indianapolis' households are changing. These needs can include a desire to "age in place" but in a smaller unit, or helping a young person start an independent life. One potential option is a small unit accessory to a detached single-family residence. The unit provides affordable autonomy yet proximity. To avoid negative neighborhood consequences, development standards must be met.

Two key standards include: 1) requiring that the owner live on-site, which results in a higher standard of care; and 2) requiring the small size of the unit, which ensures the subordinate nature. If these standards are not met, such as the proposed unit is larger than 720 sf, then it would require an application for a variance.

From 2000-2011, 40 variances were requested for a secondary dwelling unit. Of the forty requests, 6 were denied (interestingly, those 6 would not meet the proposed standards); of those six, 3 had remonstrance. Three other variances, which were granted, had remonstrance. The remaining 31 were granted without opposition.

Today's draft of Indy Rezone requires these Use-Specific Standards

EE. Secondary Dwelling Unit

1. Limited to one secondary dwelling unit per lot per single-family detached dwelling.
2. Secondary dwelling unit that is detached from the primary structure shall count toward the total allowable square footage allocated for accessory buildings unless it is above an existing detached accessory building.
3. In the Compact Context Area, a secondary dwelling unit can be located within the primary building or separate from the primary building within a permitted accessory building.
4. In the Metro Context Area, a secondary dwelling unit can be located within the primary building only.
5. A dwelling unit owner shall occupy either the primary dwelling unit or secondary dwelling unit on the lot as their permanent residence.
6. The maximum size of a secondary dwelling unit is 720 sq. ft.
7. One additional off-street parking space shall be provided for the secondary dwelling unit.
8. The secondary dwelling unit shall have a separate entrance from the primary dwelling unit.
9. For any secondary dwelling unit within or attached to a primary dwelling unit, a separate entrance from the primary dwelling unit must be provided that is distinguished by either a) location on a different side of the building than the primary dwelling's entrance; or b) use of materials or a change in plane of at least 3 feet if located on the same side of the building. Secondary dwelling units within or attached to a primary dwelling unit must be designed and constructed of materials compatible with the primary dwelling unit.
10. For detached secondary units, the entrance must be visible from a right-of-way.

Parking Question

"[Indy Rezone] appears to eliminate the parking requirements for lots under 5,000 sf. Would this allow existing buildings on these small lots to eliminate existing parking if they wish to expand their building/facilities or does this only account for new development? Would neighborhoods have any say over elimination of parking?"

Citation: Section 744-402

Chapter 743 Development Standards

Article IV Parking, Loading, and Drive-Through

Section 02 Required Parking Spaces

(page 579 in footnoted version, page 493 in non-footnoted version)

Response.

The provision in Indy Rezone that eliminates the requirement for off-street parking on parcels with less than 5,000 sq. ft. applies to non-single family uses. It was created with existing buildings in mind, but could apply to the expansion of an existing building or construction of a new building. However, this would be unlikely. Any expansion of an existing building or construction of a new building on a parcel of less than 5,000 sq. ft. would also have to meet all development standards, including the front, side and rear yard setback requirements, landscaping, as well as the minimum street frontage requirement. That would be difficult to accomplish with a parcel of less than 5,000 sq. ft. in most non-single family zoning districts.

If a proposed project meets all the other zoning requirements, then a public hearing with notification to neighborhoods is not required.

For illustrative purposes, here is a clip from the Fountain Square area with the lot lines and lot sizes:

Rationale

Reuse of existing buildings is critical for Indianapolis' success. It is the most efficient use of existing infrastructure, helps stabilize neighborhoods, and is an affordable location for start-ups. Requiring off-street parking on very small lots, forces one of three options 1) converting a neighboring lot into a parking lot, which may mean demolition of a building; 2) seeking and obtaining a variance, which is costly; or 3) leaving the building vacant.





Amendments to Proposal No. 217, 2015

Pursuant to the Rules of the Council, I move that Proposal No. 217, 2015, as presented before us, be amended in the following manner...

by replacing the phrase “January 1, 2016” with “April 1, 2016” throughout the document;

by deleting “upon its adoption” and adding “on April 1, 2016” in Section 740-104.A, to read as follows:

A. The Zoning Ordinance shall be in full force and effect on April 1, 2016 in compliance with IC 36-7-4.

by deleting the “S” for the Hazardous Materials or Objectionable Substances Manufacturing land use in Table 743-1: Use Table from the I-1, I-2, and I-3 districts;

by adding “and all game courts” in Section 743-306.A.2.a, to read as follows:

2. Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:

a. The horizontal land area covered by the primary building and all accessory buildings and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.

by adding “beyond basic maintenance” in Section 743-306.B.1, to read as follows:

1. Dismantling, repairing or restoring of vehicles: No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a Dwelling district. In addition, any work beyond basic maintenance performed shall be:

a. Incidental to a permitted use and completely within a garage or carport; or

b. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination of those materials) of 6 feet in height.

by adding “, CBD-3” in Section 744-402.B.3, to read as follows:

3. Minimum vehicle parking required in the CBD-2, CBD-3 and MU-3 districts is 1 space per 900 sf of floor area regardless of the type of land use.